



PAC/ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/786,416 Confirmation No. 2813
Applicant : BAYCHAR
Filed : February 26, 2004
Title : RUNNING SHOES, HIKING SHOES AND BOOTS,
SNOWBOARD BOOTS, ALPINE BOOTS, HIKING BOOTS,
AND THE LIKE, HAVING WATERPROOF/BREATHABLE
MOISTURE TRANSFER CHARACTERISTICS
TC/AU : 1771
Examiner : E.M. Cole
Docket No. : BAY-510
Customer No.: 24956

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
DUE TO INADVERTENTLY FILING NOTICE OF APPEAL
AFTER NON-FINAL OFFICE ACTION
AND
CONDITIONAL PETITION FOR REVIVAL OF ABANDONED APPLICATION
UNDER 37 CFR §1.137(B)

Sir:

The above-identified application has become abandoned due to the inadvertent filing of a Notice of Appeal in response to a non-final Office Action. A non-final Office Action was mailed on April 5, 2006. The non-final Office Action was inadvertently docketed as a final rejection Office Action. Thereafter, a Notice of Appeal was filed on August 7, 2006 and then a response was filed on October 5, 2006, after the allotted period for response.

Appl. No. 10/786,416
Petition to Withdraw Holding of Abandonment ...
dated January 7, 2009

BAY-510


A copy of the previously filed Amendment of October 5, 2006 accompanies this Petition.

In the event that the Petition under 37 CFR §1.181 is not granted, Applicant conditionally petitions under 37 CFR §1.137(b) on the grounds of unintentional delay. In this regard, it is submitted that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

The Commissioner is hereby authorized to charge any additional payment due to Deposit Account No. 50-1417.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

By 
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